

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 891 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and  
MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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NATWARBHAI VANJIBHAI BHILL

Versus

STATE OF GUJARAT

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Appearance:

1. Special Criminal Application No. 891 of 1990  
MR GIRISH PATEL for Petitioner  
PUBLIC PROSECUTOR for Respondent No. 1  
NOTICE SERVED for Respondent No. 2  
MR KB PUJARA for Respondent No. 6

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CORAM : MR.JUSTICE R.K.ABICHANDANI and  
MR.JUSTICE K.R.VYAS

Date of decision: 21/06/1999

ORAL JUDGEMENT

1. The petitioner has sought a direction on the  
respondents nos. 4 and 5 to release Gopal Karsan from

the illegal custody of respondent no.6 and a further direction to rehabilitate Gopal Karsan and other five bonded labourers. A direction was also sought on the respondent no.6 to pay Gopal Karsan and other five bonded labourers, their full back wages including overtime wages. Admittedly, Gopal Karsan and others are no more bonded labourers as they were released long back. In the affidavit filed by the District Magistrate, it is recorded that as per the orders made by this Court, Gopal Karsan, Vishnu and Kashiram were set free and allowed to go to their native places. It is also stated that as per the inquiry conducted by the Labour Officer, it transpired that Gopal Karsan and others named in para 4 of the affidavit were working as agricultural labourers for the respondent no. 6 during 1988 and 1990 and that the total amount of Rs. 11,504/- was paid to them as against the minimum wages of Rs. 29,303/-. The difference of Rs.17,799/- was required to be paid in respect of which notice was served by the Labour Officer on 16.6.1990 to the respondent no.6. It was stated that a proposal was forwarded for sanction to prosecute respondent no.6, to the Rural Labour Commissioner, Gandhinagar and that as soon as the sanction was granted, appropriate steps would be taken by the concerned authority under the provisions of Minimum Wages Act. It is stated by the learned Counsel appearing for the respondent no.6 that pursuant to the sanction that was granted, criminal cases have been filed against the respondent no.6 being Criminal Cases Nos.1553 of 1990 and 1554 of 1990 in the Court of Chief Judicial Magistrate, Himatnagar. Since necessary steps have been taken and Gopal Karsan and others were already released, the petition has become infructuous and is, therefore, rejected. Rule discharged.

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